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June 9, 2008

HONORABLE HAROLD BAER  
U.S. DISTRICT JUDGE  
S.D.N.Y.

Honorable Harold Baer  
United States Courthouse  
Southern District of New York  
500 Pearl Street – Room 2230  
New York, NY 10007

USDS SDNY  
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Re: United States v. Wilson James Baston  
07 Cr. 750 (HB)

Dear Judge Baer:

I am counsel to Mr. Baston in the above-captioned indictment. Mr. Baston pled guilty as charged on March 5, 2008 and is scheduled to be sentenced this Thursday, June 12, 2008. For the following reasons, I respectfully request an adjournment of the sentencing proceedings to a date in August, which is convenient for the Court and all interested parties. The Government, per AUSA Glen G. McGorty, has no objection to this request.

This case involves a fraudulent scheme involving more than 50 victims and a substantial amount of loss. According to the plea agreement (and the defendant's calculations) the loss amount fell somewhere between 7 and 20 million dollars. However, according to figures provided by Probation last Wednesday, the loss amount exceeded 22 million dollars. This calculation increases the defendant's total offense level from a 28 to a 30 (with a corresponding increase in the sentencing range from 87 to 108 months to 108 to 135 months). This is a significant departure from the guidelines calculation and sentencing range stipulated to in the plea agreement. Accordingly, counsel needs additional time to review Probation's figures (and the voluminous records upon which they are based) and, if possible, attempt to reconcile the difference prior to sentence.

Thank you.

August 13, 2008  
at 10 AM

Respectfully,  
*[Signature]*  
Harold Baer  
Matthew J. Kluger

cc: AUSA Glen G. McGorty  
Senior USPO Thomas J. McCarthy